

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

<p>BETH ANNE M. COLLOPY</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MARQUIS MANAGEMENT, LLC</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. 1:22-CV-00184-SE</p>
--	---	---

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, Defendant Marquis Management, LLC (“Marquis”), by and through its undersigned counsel, hereby submits this Motion for Summary Judgment as to all counts pled in Plaintiff Beth Anne Collopy’s (“Plaintiff”) Complaint.

Plaintiff has raised claims for retaliation under Title VII (Count V), the Americans with Disabilities Act Amendments Act (“ADA”) (Count IV), related state law (Count I), and the New Hampshire Whistleblowers’ Protection Act (“WPA”) (Count II), as well as a claim for wrongful discharge (Count III). As set forth more fully in the accompanying Memorandum of Law, Declarations and Exhibits filed herewith (collectively, the “Memorandum”), all of which are incorporated herein by reference, pursuant to Fed. R. Civ. P. 56(a), Plaintiff’s claims fail because it is undisputed that her at-will employment was terminated following the elimination of her position as part of a departmental reorganization under new management. There is simply no evidence to suggest otherwise. The evidentiary record further demonstrates that Plaintiff did not engage in protected activity for the purposes of these antidiscrimination laws because she lacked a reasonable, good faith belief that her employer had engaged in a prohibited employment

practice when she made the complaints upon which she premises her claims. Accordingly, her claims fail as a matter of law.

For the reasons stated herein and those more fully set forth in Defendant's Memorandum, Defendant submits summary judgment is warranted.

WHEREFORE, in light of the undisputed facts set forth in the accompanying Memorandum, sworn testimony and exhibits, Plaintiff's claims fail as a matter of law and Defendant respectfully requests that its Motion for Summary Judgment be granted.

Respectfully submitted,

MARQUIS MANAGEMENT, LLC

By its attorneys,

Dated: July 18, 2023

/s/ Owen R. Graham
Christopher H.M. Carter (Bar No. 12452)
Owen R. Graham (Bar No. 266701)
Hinckley Allen
650 Elm Street, Suite 500
Manchester, NH 03101
Tel: (603) 225-4334
ccarter@hinckleyallen.com
ograham@hinckleyallen.com

/s/ Lisa A. Zaccardelli
Lisa A. Zaccardelli (*Admitted Pro Hac Vice*)
Hinckley Allen
20 Church Street
Hartford, Connecticut 06103-1221
Tel: (860) 331-2764
lzaccardelli@hinckleyallen.com

CERTIFICATE OF SERVICE

I hereby certify that on the above date I caused a copy of the foregoing document to be served upon all counsel of record through the Court's ECF system.

/s/ Owen R. Graham
Owen R. Graham